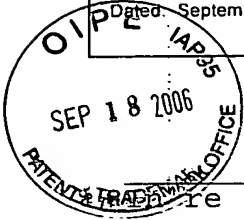


I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: September 13, 2006 Signature: \_\_\_\_\_

(John R. Nelson)

Docket No.: ROSE 3.0-070 CIP  
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Patent Application of:  
Floyd D. Rose

Application No.: 10/759,613

Group Art Unit: 2837

Filed: January 16, 2004

Examiner: K. R. Lockett

For: REMOVABLE NUT ASSEMBLY, METHODS  
AND KITS FOR STRINGED MUSICAL  
INSTRUMENTS

RESPONSE TO ELECTION REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This communication is in response to the Office Action mailed August 15, 2006, in the above-identified application. In the Office Action, the Examiner noted that the application contains claims directed to what the Examiner contends are the following patentably distinct species:

Embodiment 1: Figures 1, 2, 4

Embodiment 2: Figures 3, 5

Embodiment 3: Figure 6

Embodiment 4: Figure 7

Embodiment 5: Figure 8

Embodiment 6: Figures 9, 10

The Examiner contended that the species are independent or distinct because each embodiment discloses a different and distinct bridge structure. Thus, the Examiner

required the applicant, under 35 U.S.C. § 121, to elect a single disclosed species for prosecution on the merits as to which the claims will be restricted if no generic claim is finally held to be allowable. In this regard, the Examiner contended that currently none of the claims are generic. Still further, the Examiner advised applicant that a reply to the election requirement must include an identification of the species that is elected and a listing of all claims readable thereon, including any claims subsequently added.

In response to the election requirement, applicant hereby provisionally elects the species of Embodiment II, encompassing Figures 3, 5. However, this election is made with traverse, it being applicant's contention that Embodiments I and II are actually directed to a single species.

More particularly, as disclosed in the present application, Figure 1 merely shows an electric guitar, a type of stringed musical instrument which incorporates a string tuning apparatus in accordance with one aspect of the present invention, and Figure 2 illustrates a set of guitar strings for use with a guitar of the type shown in Figure 1. Each of the claims of the present invention is directed to either a nut assembly for a stringed musical instrument which is removable therefrom (claims 1-15), a stringed instrument having a removable nut assembly (claims 16-39), a kit for replacing strings that includes in one form or another a removable nut assembly (claims 40-57), or a method of changing strings of a stringed musical instrument which requires removing a removable nut therefrom (claims 60-75). Four different removable nut assemblies (shown in Figures 3-5, 6, 7, and 8) are disclosed, any one of which could be employed with the guitar shown in Figure 1 and the strings shown in Figure 2. The nut assembly

shown in Figure 3 is the same nut assembly shown in Figures 4 and 5, and thus Figures 3-5 show a single embodiment, and not two embodiments as contended by the Examiner. Figures 9 and 10 show the removable nut assembly of Figures 3-5 with a removable bridge assembly. This embodiment is encompassed by the claims directed to a kit, namely claims 40-57.

Therefore, it is respectfully submitted that as all of the claims of the present application are directed, in one form or another, to a removable nut assembly or employ a removable nut assembly, there are only five distinct species. In terms of the Examiner's election requirement, it is thus respectfully submitted that Figures 1 and 2 do not show a distinct species, and that Figure 4 is properly includable with the Embodiment 2 of the Examiner's election requirement. As for Figures 9 and 10, they show the same removable nut assembly as shown in Figures 3-5, but with a removable bridge assembly. Thus, Figures 9 and 10 could be deemed to be directed to a different embodiment, or could be included in the same embodiment as Figures 3-5.

Accordingly, as is evident from the above, it is respectfully submitted that one of the embodiments should encompass at least Figures 3, 4, and 5 (and perhaps Figures 9 and 10 as well). It is that embodiment which applicant elects for prosecution in the present application.

The claims readable on the elected embodiment (either shown in Figures 3 and 5 if the Examiner's election requirement as set forth in the Office Action of August 15, 2006, is maintained, or as shown in Figures 3-5 (and Figures 9 and 10) if the election requirement is modified in the manner suggested above) are as follows: claims 1-6; 12-14; 16; 18-24; 28-33; 40; and 46-51.

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In view of the foregoing, applicant respectfully requests that the election requirement be redefined in the manner suggested above.

In the event any fee is due in connection with the present response, the Examiner is authorized to charge Applicant's Deposit Account No. 12-1095 therefor.

Dated: September 13, 2006

Respectfully submitted,

By 

John R. Nelson

Registration No.: 26,573

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